

**DURHAM, NORTH CAROLINA
JANUARY 16, 2007
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden, Council Member Brown, Council Member Catotti, Council Member Clement, Council Member Stith, and Council Member Woodard.
Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Pro Tempore Cole-McFadden called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

CEREMONIAL ITEMS/ANNOUNCEMENTS BY COUNCIL

The Mayor Pro Tem presented a proclamation designating January 25, 2007 as *Thank Your Mentor Day* to Della Autry who made comments.

City Council Members made comments on the following events attended/special recognitions: Dr. Martin Luther King, Jr. events throughout Durham, Durham Arts Council--Emerging Artists Awards, Lorisa Seibel who won an award, Barbara Lofton for receiving the Keeper of the Dream Award, the 5th grade student who did the I Have A Dream speech, participation of young people at MLK events, Council Member Woodard and Representative Paul Luebke for working out a compromise with the North Carolina School of Science and Math and the Watts/Hillandale Neighborhood, the work of Elna Spaulding who passed away, Steve Toler for his work in making eight \$1,000 scholarships possible, Martin Luther King, Jr. Steering Committee, NAACP Banquet and Dr. Brodhead.

PRIORITY ITEMS BY THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK

The Mayor Pro Tem asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker requested that General Business Agenda Items 15 [Neighborhood Revitalization Fund Contract with Union Baptist Church Independent School, Inc.] and 18 [Criteria for Selecting Properties for the Policy and Procedures for Disposing of Surplus Real Estate to Qualifying Nonprofit Organizations for Affordable Housing] be moved to the Consent Agenda.

City Clerk Gray informed Council that one citizen signed up to speak on Item #18.

MOTION by Council Member Clement seconded by Council Member Stith to move General Business Agenda Item 15 to the Consent Agenda was approved at 7:22 p.m. by

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the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of Vote: Mayor Bell.

Council Member Brown noted he would be voting no on Item #15.

City Manager Baker gave an update on the issue of lead in the water. He briefed Council that he has identified a vendor to complete the independent review of testing/notification processes, staff is in the process of finalizing the scope of service, but have not entered into a contract with that group out of Raleigh, more information will be provided at the January 18, 2007 Work Session, commented on the discussion he had with the principal of that firm, and will share the scope of service when it is finalized. Finally, he made comments on a meeting he had with Lorisa Seibel, Sarah Terry and Lenora Smith who have expressed an interest in assisting the City by hosting a Lead Summit.

Council Member Clement requested that PEACH be involved in this Lead Summit.

Council Member Brown commended the People's Alliance for their summary on this issue and will be referring this correspondence to the Manager's attention. He urged staff to review Greenville's brochure that could be used as a guide.

There were no priority items from the City Attorney and City Clerk.

CONSENT AGENDA

Mayor Pro Tempore Cole-McFadden asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items 8 and 19 were pulled.

MOTION by Council Member Stith seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Approval of City Council Minutes

MOTION by Council Member Stith seconded by Council Member Catotti to approve City Council Minutes for the December 4, 2006 City Council Meeting; and

To approve City Council Action taken at the December 7, 2006 City Council Work Session was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Design District Review Team - Receipt and Acceptance of an Application

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MOTION by Council Member Stith seconded by Council Member Catotti to receive and accept an application for a citizen to fill one (1) vacancy on the Design District Review Team representing Landscape Architect with a term to expire on January 31, 2007 was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Bid Report - November 2006

MOTION by Council Member Stith seconded by Council Member Catotti to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of November 2006 was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Date: December 11, 2006

To: Patrick W. Baker, City Manager

Through: Wanda S. Page, Deputy City Manager
Kenneth C. Pennoyer, Finance Director

From: Joseph W. Clark, Purchasing Manager

Subject: Bid Report – November 2006

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of **November 2006**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid:** Skyline Snowflakes

Purpose of Bid: Purchase Decorations for the General Services Department. These snowflakes will be used in the downtown area.

Comments: This is a sole source purchase. The items being purchased are only available from Mosca. These decorations must match the existing decorations.

Five 54" Snowflakes at \$1,840.50 each, one 70" Snowflake at \$2,191.50 each, and one 82" Snowflake at \$2,506.50 each.

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Opened: November 9, 2006

Bidders: Mosca Design, Inc. *\$13,900.50
Raleigh, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	8		# Black Males	0	0%
Total # Females	4	50%	# White Males	4	50%
Total # Males	4	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	4	50%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

2. **Bid: One (1) 24-ton Beavertail Trailer**

Purpose of Bid: To provide Fleet Maintenance with a trailer.

Comments:

Opened: November 9, 2006

Bidders: Gregory Poole Equipment Co. * \$16,017.00
Raleigh, NC
Carter Machinery Company \$17,575.00
Salem, VA

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	512		# Black Males	41	8%
Total # Females	68	13%	# White Males	386	75%
Total # Males	444	87%	# Other Males	17	3%
			# Black Females	5	1%
			# White Females	60	12%
			# Other Females	3	1%

The SDBE Data Base was used in the solicitation of bids for this item.

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3. **Bid:** **Repair the Uninterruptible Power System located at the Backup 911 Center**

Purpose of Bid:

Comments: Eaton Electrical, Inc. is the only provider of factory-supported, factory trained, factory authorized, and factory certified service for the UPS equipment.

Opened: November 20, 2006

Bidders: Eaton Electrical, Inc. * \$23,278.00
Chicago, IL

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	253		# Black Males	13	5%
Total # Females	105	42%	# White Males	127	50%
Total # Males	148	58%	# Other Males	8	3%
			# Black Females	17	7%
			# White Females	81	32%
			# Other Females	7	3%

The SDBE Data Base was used in the solicitation of bids for this item.

4. **Bid:** **Install Wet Line Brake Kits and Misc. Accessories on Two (2) Trailers**

Purpose of Bid: To provide Water Management with Wet Line Brake Kits

Comments: Two Wet Line Brake Kits and misc. accessories @ \$10,780.00 each

Opened: November 20, 2006

Bidders: Whitley Motor Company, Inc. * \$21,560.00
Concord, NC
Godwin Body Manufacturing \$23,890.00
Dunn, NC

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

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WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	7		# Black Males	0	0%
Total # Females	1	14%	# White Males	6	86%
Total # Males	6	86%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	14%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

5. **Bid:** **Steel Road Plates**

Purpose of Bid: To provide the Water Management Department with Road Plates

Comments: 20 plates @ \$2,172.00 each. Road Plates are used to cover temporary open holes and trenches in the roadway.

Opened: November 20, 2006

Bidders:	Coble Trench Safety	* \$43,440.00
	Raleigh, NC	
	Mabey Bridge & Shore, Inc.	\$44,000.00
	Baltimore, MD	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	16		# Black Males	1	7%
Total # Females	1	6%	# White Males	14	87%
Total # Males	15	94%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	6%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

6. **Bid:** **Signal Posts and Miscellaneous Mounting Hardware**

Purpose of Bid: To provide the Traffic Signal Division with Signal Posts and miscellaneous mounting hardware

Comments:

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Opened: November 21, 2006

Bidders:	Temple, Inc.	* \$18,202.50
	Decatur, AL	
	RAI Products	\$18,482.00
	Charlotte, NC	
	Atlantic Technical Sales	\$22,430.00
	Chantilly, VA	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	50		# Black Males	5	10%
Total # Females	18	36%	# White Males	26	52%
Total # Males	32	64%	# Other Males	1	2%
			# Black Females	1	2%
			# White Females	15	30%
			# Other Females	2	4%

The SDBE Data Base was used in the solicitation of bids for this item.

7. **Bid:** **Miscellaneous Traffic Sign Blanks**

Purpose of Bid: To provide the Transportation/Sign Shop with Sign Blanks

Comments: Vulcan Signs was the only bid received.

Opened: November 22, 2006

Bidders:	Vulcan Signs	*\$40,919.00
	Foley, AL	

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	176		# Black Males	49	27%
Total # Females	28	16%	# White Males	98	56%
Total # Males	148	84%	# Other Males	1	1%
			# Black Females	5	3%
			# White Females	22	12%
			# Other Females	1	1%

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The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

Subject: Street Closing - Setting Public Hearing on the Closing of a 298 Linear Foot Portion of Fay Street (SC05-17)

MOTION by Council Member Stith seconded by Council Member Catotti to adopt a resolution setting a public hearing on February 19, 2007 on the proposed closing of a portion of Fay Street was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Resolution #9427

Subject: Major Site Plan - Madison Glen II (D06-352)

MOTION by Council Member Stith seconded by Council Member Catotti to approve a major site plan for "Madison Glen II," submitted by Priest Craven and Associates, Inc., on behalf of Robert Rhein Interests, Inc., for a 129 lot single-family development on a 43.61 acre site zoned PDR 3.200 was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Major Site Plan- Life House of Durham and Maple Court Apartments (D06-475)

MOTION by Council Member Stith seconded by Council Member Catotti to approve a 48 unit apartment complex with a recreation building and 60 parking spaces on 9.86 acres zoned PDR 10.000 and F/J-B, with a 50% buffer width reduction for 170 linear feet of buffer along the southern property line was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Water and Sewer Extension Agreement with F. Neal Hunter -Project Seven Five One

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to enter into a Water and Sewer Extension Agreement with F. Neal Hunter to serve Project Seven Five One was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

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Subject: Sub-recipient Agreement between Durham Crisis Response Center and the City of Durham for Permanent Housing Assistance Program

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a sub-recipient agreement with Durham Crisis Response Center for the Permanent Housing Assistance Program;

To authorize the City Manager to expend CDBG funds in an amount not to exceed \$33,500.00; and

To authorize the City Manager to modify the agreement and related documents before execution, provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Sub-recipient Agreement with Durham Affordable Housing Coalition for Volunteer Minor Repair Program

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a sub-recipient agreement with Durham Affordable Housing Coalition for the development and operation of the Volunteer Minor Home Repair Program;

To authorize the expenditure of \$50,000.00 from CDBG funds; and

To authorize the City Manager to make changes to the agreement that do not increase the contract amount, lessen the contractor's duties, or extend the term of the contract beyond December 31, 2007 was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Sub-recipient Agreement with Operation Breakthrough for Weatherization Program

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a sub-recipient agreement with Operation Breakthrough, Inc., to support the Weatherization and Energy Efficient Conservation Program;

To authorize the expenditure of \$80,000.00 from CDBG funds; and

To authorize the City Manager to make changes to the agreement that do not increase the contract amount, lessen the contractor's duties, or extend the term of the contract beyond December 31, 2007 was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro

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Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Business Loan Report November 2006

MOTION by Council Member Stith seconded by Council Member Catotti to accept the Business Loan Report for November 2006 was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Neighborhood Revitalization Fund Contract with The Community Builders, Inc.

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a contract with The Community Builders, Inc. for \$136,107.00 to provide streetscape and front-face improvements for the East Main Street Corridor between Alston Avenue and Hood Street; and

To authorize the City Manager to make modifications to the contract so long as the modifications do not increase the dollar amount or decrease the scope of services provided to the City was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Neighborhood Revitalization Fund Contract with Union Baptist Church Independent School, Inc.

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a contract with Union Baptist Church Independent School, Inc. for \$75,107.00, to partially fund the construction of a school in a North East Central Durham Opportunity Area (Roxboro and Dowd Streets); and

To authorize the City Manager to make modifications to the contract so long as the modifications do not increase the dollar amount or decrease the scope of services provided to the City was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Clement, Stith and Woodard. Noes: Council Member Brown. Absent at time of vote: Mayor Bell.

Subject: Amendment to the City's Merchandise-Based Retail Incentive Program to Provide Enhanced Incentives within the Historic Parrish Street Project Area

MOTION by Council Member Stith seconded by Council Member Catotti to adopt a Resolution Establishing a Job Creation and Retention and Investment Incentive Policy to provide an enhanced Merchandise-Based Incentive Program for the Parrish Street project area; and

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To approve the allocation of \$70,000.00 of the Parrish Street set-aside portion of the Downtown Revitalization Fund for an enhanced Merchandise-Based Incentive Program in the Parrish Street project area was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Resolution #9428

Subject: Update on Self-Help Community Development Corporation Proposal for Redevelopment of City-Owned Land on Whitcomb Street at Chapel Hill Road

MOTION by Council Member Stith seconded by Council Member Catotti to receive an update from Self-Help Community Development on the Redevelopment of Properties on Whitcomb Street was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Professional Services Agreement for the Design of Renovations to Six Recreation Centers - BJAC, PA

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute the Professional Services Agreement for the Design of Renovations to Six Recreation Centers with BJAC, PA in an amount not to exceed \$608,337.00;

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the fee to be paid by the City and do not decrease the goods and services to be provided to the City;

To establish a project contingency in the amount of \$60,800.00; and

To authorize the City Manager to negotiate and execute change orders on the Professional Services Agreement for the Design of Renovations to Six Recreation Centers provided the total cost of services does not exceed the applicable project ordinance was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Request to Approve Application for a Parks and Recreation Trust Fund Grant

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the Parks and Recreation Department to apply for a Parks and Recreation Trust Fund grant in the amount of \$75,000.00; and

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To authorize the use of impact fees collected from Zone 1 in the amount of \$80,000.00 and GO bond funds in the amount of \$180,000.00 (funding already allocated in the CIP to this project) to be offered as a match for the PARTF grant funding if it were to be awarded was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Contract for School Age Care Club at Eastway Elementary School - Durham Public Schools

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to enter into an agreement to provide \$44,000.00 to the Durham Public Schools Community Education Department for the purpose of subsidizing the provision of After School programs at the Eastway Elementary School for the 2006-2007 school year; and

To authorize the City Manager to modify the agreement prior to execution provided the modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the version of the agreement was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Use of Controlled Substance Tax Distribution Funds and Federal Asset Forfeiture Funds

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the Use of Controlled Substance Tax Distribution Funds and Federal Asset Forfeiture Funds in an amount not to exceed \$250,100.00 for operational expenses and the purchase of equipment to be used in police operations and investigations was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

Subject: Contract STW-200701 - Construction of Durham Central Park Environmental Restoration - L-J, Inc.

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute a contract with L-J, Inc., for Contract STW-200701, Construction of Durham Central Park Environmental Restoration in the amount of \$114,771.58;

To establish a contingency fund in the amount of \$17,215.74 (15%); and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$17,215.74 and that the total construction cost does not

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exceed \$131,987.32 was approved at 7:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of vote: Mayor Bell.

The City Council disposed of the following agenda items at the January 4, 2007 Work Session.

Subject: Proposed Sale of Property at 519-A Eastway Avenue PIN# 0831-10-45-4488

To determine the property at 519-A Eastway Avenue as surplus;

To authorize the sale of the property under the authority of Section 86 of the City Charter;

To accept the offer to purchase for the property located at 519-A Eastway Avenue and;

To authorize the City Manager to sell and the Mayor to convey the property by a non-warranty deed.

Note: This item was approved at the January 4, 2007 Work Session with a vote of 6/0.

Subject: Construction Manager at Risk Preconstruction Services Agreements

To authorize the City Manager to negotiate and execute the agreements with Skanska USA Building, Inc. and Centex Construction LLC for preconstruction services providing the fees to be paid for these services for any single project does not exceed five percent (5%) of the total budget for construction for that project, and the total amount of each contract does not exceed the amounts listed in the agreements; and

To authorize the City Manager to make changes to the agreements so long as those changes are consistent with the intent of the agreements.

Note: This item was approved at the January 4, 2007 Work Session with a vote of 6/0.

Subject: Raleigh-Durham Airport Authority

To receive an annual report from the Raleigh-Durham Airport Authority.

Note: A presentation was received at the January 4, 2007 Work Session.

Subject: East End Connector Presentation

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To receive a presentation on the Alternatives Analysis for the East End Connector Project and provide comments.

Note: A presentation was received at the January 4, 2007 Work Session.

GENERAL BUSINESS AGENDA

Subject: Criteria for Selecting Properties for the Policy and Procedures for Disposing of Surplus Real Estate to Qualifying Nonprofit Organizations for Affordable Housing

To accept the criteria for the selection and marketing strategy of conforming surplus real estate to qualifying nonprofit organizations pursuant to the policy (approved by City Council November 6, 2006) for disposing of surplus real estate to nonprofit organizations for affordable housing;

To approve the marketing strategy for the sale of property to the general public; and

To authorize the City Manager to give the Administration the discretion to place affordable housing conditions on properties that are marketed to the general public.

Nadine Lafell, of 3622 Danube Lane 5B, noted she is a DHA tenant and would like to exercise her housing choice option which is a homeownership opportunity and was inquiring about the Good Neighbor program where governments are allowed to purchase property for the sum of \$1. She noted the heating needs to be repaired at 207 Dowd Street and DHA does not have the money. She asked the board to consider offering this property to the Durham Housing Authority.

Director of Community Development Mike Barros noted he was aware of the program, stated the Durham Housing Authority has not approached the City and there is no offer for that property. He noted he could discuss ways she could approach homeownership and report back on efforts that the City has been making with the Durham Housing Authority.

Jack Preiss, of 2722 McDowell Road, spoke in support of this proposal. He made the following points: 1) these properties should be made available to 501C3 corporations that are committed and have performed to build housing for persons on SSI and SSDI incomes who have disabilities in keeping with the consolidated action plan and the 10-year plan to eliminate homelessness in the City; and 2) In terms of implementing the plan, these properties as long as they are suitable and have the proper zoning, should be made available to the 501C3 corporations who qualify to serve these populations at no cost. He urged Council to make the policy specific enough to give preference to 501C3 corporations that will commit and sign to build the type of housing just mentioned. Finally, he asked Council to streamline as much as possible the procedures for accomplishing this because other resources are out there under a timeframe.

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Gene Cook, representing Rebuild Durham, spoke in favor of this initiative. He stated he looks forward to working with the City to take these properties that might become available for use. He noted his first priority is homeownership.

Council Member Stith expressed concern with the policy being exclusive--not allowing for profit community participation and the criteria doing the same. He asked staff about the criteria--30% of surplus properties providing additional stock for affordable housing and the assessment of what they are currently doing.

Community Development Director Mike Barros made comments on the housing programs and noted the policy will allow for profit and non-profit to bid on all properties.

Council Member Catotti noted that she would be recommending marketing all properties on the surplus list to non-profits 100% and not 30%. She encouraged all non-profits to submit proposals at whatever price they can afford.

Real Estate Manager Sandra Harper noted the criteria is based upon the conforming parcels.

Council Member Clement made comments in support of targeting special housing needs that is addressed in the policy and mentioned by Mr. Preiss.

Council held discussion on marketing at 30% vs 100%.

Council Member Brown made comments in support of the plan proposed at 30% rather than 100%.

Mayor Bell spoke support of moving forward with the plan as proposed by staff.

Real Estate Manager Sandra Harper explained how these properties would be taxable. She noted some of the properties will be taxable and some will not depending upon the occupancy.

Council Member Woodard expressed concern about the length of time the City has had some of these properties.

Council Member Catotti made comments on the policy.

MOTION by Council Member Catotti seconded by Council Member Woodard to amend proposed marketing strategy to market 100% of all conforming lots on the list of surplus properties referenced in the agenda item to non-profits **FAILED** at 8:19 p.m. by the following vote: Ayes: Council Members Catotti and Woodard. Noes: Mayor Bell, Mayor pro Tempore Cole-McFadden and Council Members Brown, Clement and Stith. Absent: None.

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MOTION by Council Member Clement seconded by Council Member Brown to accept the criteria for the selection and marketing strategy of conforming surplus real estate to qualifying nonprofit organizations pursuant to the policy (approved by City Council November 6, 2006) for disposing of surplus real estate to nonprofit organizations for affordable housing;

To approve the marketing strategy for the sale of property to the general public; and

To authorize the City Manager to give the Administration the discretion to place affordable housing conditions on properties that are marketed to the general public was approved at 8:19 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Council Member Stith asked the administration if they will be reviewing the existing program?

City Manager Baker noted at the appropriate time a report will be presented.

Council Member Catotti asked staff to provide in the report the amount of money available in the 1996 housing bonds.

City Manager Baker noted staff has indicated there is no money left in the 1996 housing bonds.

Mayor Bell explained why he arrived late to the meeting commenting on his attendance at the North Carolinas Against Gun Violence meeting.

Subject: Ordering Petitioned Improvement - Water Main on Brightwood Lane from Fletchers Chapel Road

To receive public comments; and

To adopt a resolution ordering a Water Main on Brightwood Lane from Fletchers Chapel Road West to the West Property Line of PIN 0852-04-52-1762.

Lee Murphy made comments on this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Catotti to receive public comments; and

To adopt a resolution ordering a Water Main on Brightwood Lane from Fletchers Chapel Road West to the West Property Line of PIN 0852-04-52-1762 was approved at 8:22 p.m.

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by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Ordering Petitioned Improvement - Curb, Gutter & Paving, Water & Sewer Laterals on Red Oak Avenue from Hemlock to Gaston Avenue

To receive public comments, and

To adopt a resolution ordering Curb, Gutter and Paving, Water and Sewer Laterals on Red Oak Avenue from Hemlock Avenue to Gaston Avenue.

Lee Murphy made comments on this item.

Mayor Bell opened the public hearing.

Mary Patterson, a resident of Red Oak Avenue, expressed concern that a portion of Red Oak Avenue has not been paved, there are inadequate street lights and there have been no street improvements.

Mayor Bell closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comments, and

To adopt a resolution ordering Curb, Gutter and Paving, Water and Sewer Laterals on Red Oak Avenue from Hemlock Avenue to Gaston Avenue was approved at 8:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Ordering Petitioned Improvement - Sidewalk on Infinity Road (southside) from Shadebush Drive to Lazyriver Drive

To receive public comments; and

To adopt a resolution ordering a Sidewalk on Infinity Road (South Side) from Shadebush Drive to Lazyriver Drive.

Lee Murphy made comments on this item.

Mayor Bell opened the public hearing, there being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments; and

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To adopt a resolution ordering a Sidewalk on Infinity Road (South Side) from Shadebush Drive to Lazyriver Drive was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Confirmation of Assessment Roll - Sewer Main on Marvin Drive from Farrington Road

To receive public comments; and

To adopt a resolution confirming the assessment roll for Sewer Main on Marvin Drive from Farrington Road to the West Property Line of Tax Map 484-4-12.

Lee Murphy made comments on this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments; and

To adopt a resolution confirming the assessment roll for Sewer Main on Marvin Drive from Farrington Road to the West Property Line of Tax Map 484-4-12 was approved at 8:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Confirmation of Assessment Roll - Sewer Main on Pavillion Place

To receive public comments; and

To adopt a resolution confirming the assessment roll for Sewer Main on Pavillion Place from the North Property Line of PIN 0709-02-85-4702 to the South Property Line of PIN 0709-02-85-3564.

Lee Murphy made comments on this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments; and

To adopt a resolution confirming the assessment roll for Sewer Main on Pavillion Place from the North Property Line of PIN 0709-02-85-4702 to the South Property Line of PIN

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0709-02-85-3564 was approved at 8:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Confirmation of Assessment Roll - Sewer Main on Mayo Street

To receive public comments; and

To adopt a resolution confirming the assessment roll for Sewer Main on Mayo Street from Tax Map 603-2-1 to the South Property Line of Tax Map 603-2-2.

Lee Murphy made comments on this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments; and

To adopt a resolution confirming the assessment roll for Sewer Main on Mayo Street from Tax Map 603-2-1 to the South Property Line of Tax Map 603-2-2 was approved at 8:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: FY 2007-2008 Annual Action Plan "Needs" Public Hearing

To receive public comments on the FY 2007-2008 Annual Action Plan "Needs" and the City's housing and community development needs.

Karmisha Wallace, of the Community Development Office, made comments on this item noting staff has agreed to conduct two public hearings as part of the Annual Action Plan process and highlighted priority needs.

Mayor Bell opened the public hearing.

Lorisa Seibel, representing Durham Affordable Housing Coalition, commented on the Coalition's initiatives/activities which are funded by community development block grants. She urged Council to allocate funds for construction and repair of houses, and to allocate more funds in the regular budget for housing inspections and code enforcement activities to meet the great needs of low income residents--both elderly and disabled, as well as first time homebuyers.

Rich Lee, Executive Director of Durham Affordable Housing Coalition, commented on the need for affordable housing highlighting statistics on homeownership and rentals. He stated the Coalition supports the priorities that the City's Housing

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Department is pursuing with the Consolidated Plan, in particular, the needs for developing homeownership opportunities and dealing with the needs of the special needs population.

Based on statistical information noted by Mr. Lee, Mayor Bell asked staff to provide information on the City's vacancies for rental housing, and rental rates.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, raised a concern with the jail population and requested that funds be utilized to open up a free full vocational center for our community.

Council Member Catotti announced that the School Board recently approved a vocational-tech program at Hillside High School.

Council Member Stith made comments on the dollar amount spent on affordable housing since 1992 and asked staff if the City adequately utilizing the resources in place to meet the needs of the citizens as it relates to affordable housing.

Council Member Clement made comments on the statistics regarding homeownership and rentals.

Mayor Bell made comments on the issue of homeownership vs rental.

Council Member Clement noted there is a market for rental housing even though Council supports homeownership.

Council Member Brown made comments on the housing issue being a national problem and the issue of foreclosures.

Council held discussion regarding the Durham Housing Authority.

Karmisha Wallace informed Council that the CAPER [Consolidated Annual Performance Evaluation Report] has been submitted to HUD and is available on the Housing web site which gives detail on how the City has invested its federal funds in rental housing as well as homeownership, special needs population and public services.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments on the FY 2007-2008 Annual Action Plan "Needs" and the City's housing and community development needs was approved at 9:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Plan Amendment - State Employees Credit Union East Durham (A06-20)

To receive public comments on the State Employees Credit Union East Durham (A06-20) Plan Amendment; and

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To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Low Density Residential (4 DU/Ac. or less) to Commercial.

City/County Planning Director Frank Duke noted he has all the required certifications that notice was provided on all planning items.

He briefed Council on the plan amendment. He noted staff determined that prior to the City's annexation of the site, approximately 10 years ago, the Board of Commissioners had zoned this area for commercial development that was missed during the Comprehensive Plan. To correct the plan to conform to the use that is now on the site, staff is recommending the land use designation of the property be commercial as well as the zoning. He noted staff and Planning Commission recommended approval. He noted portions of this property continue to be unincorporated Durham County and the Board of Commissioners held a public hearing and changed the designation to commercial.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comments on the State Employees Credit on East Durham (A06-20) Plan Amendment; and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Low Density Residential (4 DU/Ac. or less) to Commercial was approved at 9:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #9429

Subject: Zoning Map Change - Duke University Central Campus (Z06-40) - Duke University

To receive public comments on the zoning map change for the Duke University Central Campus (Z06-40);

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither

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reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; Staff Recommendation: Staff recommends approval, based on the consistency with the Comprehensive Plan and the information contained within the staff report. Planning Commission Recommendation and Vote: Denial, 7-4 on October 10, 2006. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission does not believe this request is reasonable or in the public interest in light of the information in the staff report and comments received during the public hearing. The Planning Commission recommends denial based on significant opposition from the community, inconsistency with the neighboring land uses and concerns about the amount of retail development permissible. [The site is located south of NC 147, north of Campus Drive, and east and west of Anderson Street.]

City/County Planning Director Frank Duke briefed Council on the zoning map change. He made comments on the committed elements on page 2 of the staff report. He noted proffers 1-5 on the development plan remain the same which deal with the development of the Smart House and the property east of Swift Avenue and north of Campus Drive--other than the Smart House are limited to one, two or three story single-family, townhouse or multi-family residential uses, 2) provide for building set-backs on Swift Avenue; 3) a buffer provided around all streams in excess of ordinance requirements; and 4) open space in excess of ordinance requirements and 5) a provision of a 25 foot buffer adjacent to non-Duke owned properties within this area. He noted Item 6 has been changed in the staff report to reflect a maximum cap on height north of the line shown on sheet DP-2.1--provides that north of that line occupied building heights will be limited to 90 feet. Item 7 calls for the preservation of two structures located at the property identified as PIN:0822-17-00-9419 with those two structures being relocated to a site determined by others at their own expense with the University committing to notify the Durham Historic Preservation Society in advance of any need for relocation of those properties. Item 8 provides a maximum cap of 50,000 square feet of university related retail and restaurant space that would be opened both to university and non-university users with no single space greater than 20,000 square feet and with any additional retail space limited to serving only university affiliated customers--Duke will be required to provide information on all site plan submittals detailing how these uses would, through issues of location, design, signage, or other measures, be designed to serve primarily the on-campus population or limiting it to just the on-campus uses for those portions that have to be done and if they fail to do that to the satisfaction of the approving authority, the site plan could be denied on the basis they had not adequately satisfied that requirement. Committed elements 9 and 10 are the same as in the staff report which deal with defining the locations of internal streets specifically within the general area as shown on the development plan; and a provision all required street trees will be 50% larger than ordinance requirements. Committed element 11 as shown in the staff report is no longer a valid committed element that deals with the S and E provision which is now an ordinance requirement. Mr. Duke read the following revised committed element 11 for the record: In the area east of Anderson Street, north of Campus Drive, west of Oregon Street and south of the line created by the extension of Pace Street west to Anderson Street, the storage of building materials, earth removed from other sites and

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construction debris should be allowed only within 400 feet of the construction site to which the materials, earth or debris relates. Any such storage site should be removed no later than 90 days following the issuance of the last certificate of occupancy from the building or buildings at the related construction site. Mr. Duke also noted that committed element #12 has been revised as follows: Only university-related residential development shall be permitted in the area north of point 350 feet south of Hull Avenue, west of Swift Avenue extending to the west, to the creek as shown on sheet DP2.1.

Mr. Duke noted the request is consistent with the Comprehensive Plan, outlined why staff is recommending approval and noted the Planning Commission recommended denial based on request not being reasonable or in the public interest in light of the information in the staff report and comments received during the public hearing and based on significant opposition from the community, inconsistency with the neighboring land uses and concerns about the amount of retail development permissible.

Mayor Bell opened the public hearing.

Council Member Woodard disclosed that he is an employee of Duke University and will not receive no direct compensation as a result of this rezoning or has no direct involvement in the development of this proposal.

Council Member Catotti disclosed that her husband works for Duke University and they have no financial interest in this matter.

Council Member Clement disclosed that his daughter works for Duke University and will receive no financial consideration.

City Attorney Blinder disclosed that his wife works for Duke University and will not receive any financial interest.

Proponents

George Stanziale, representing the applicant, agreed with all 12 committed elements read by Frank Duke, City/County Planning Director, including the revisions.

Peter Lange, Provost of Duke University, made opening statements in support of this item. Mr. Lange noted this is the first phase of the Duke Central Campus project, the dollars invested will be significant but more important will be the educational opportunities that will be available to students when Central Campus is developed. He made comments on the process. Mr. Lange stated the Central Campus project can make a major contribution to the bright future of our city and urged Council to approve this proposal.

George Stanziale, representing the applicant, gave a power point presentation on Duke University Central Campus highlighting: College and University Zone, Duke University Master Plan, 11 Meetings with Neighborhoods and Stakeholders, Duke University Initial

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Rezoning 2003 did not require a development plan, but the University agreed to submit one for the portion of West Campus and all of the East Campus in response to neighbor's concern, Central Campus Context Plan, Development Plan, Phase One Conceptual Master Plan, and 12 Committed elements. Mr. Stanziale noted the development of Central Campus should be embraced by the community and will provide the following: jobs during and after construction, sophisticated living environment for Duke's seniors, graduate students and faculty, would bring academic programs together that are spread throughout the university, provide direct and efficient link to the 9th Street area for students, faculty, staff and residents to enjoy, increased density at the proposed future 9th street TTA station, and cultural arts opportunity. He urged Council to approve this proposal.

John Schelp, of 1022 Rosehill Avenue/representing Old West Durham Neighborhood Association, spoke in favor of this zoning map change. He noted an agreement has been reached with all 12 committed elements and supports Duke's rezoning case. He noted this is a victory for the neighbors, merchants near Duke as well as Duke University and for all of Durham.

Tom Miller, representing Watts Hospital/Hillandale Neighborhood Association, spoke in support of this item urging Council to vote for this rezoning.

Opponents

Victoria Peterson expressed a concern with this item. She urged Council to not approve this zoning map change raising concern with the crime on Duke's campus, increased housing and businesses along with the students' behavior on campus.

Mayor Bell closed the public hearing.

Council Member Clement and Council Member Woodard expressed concern with comments made by Victoria Peterson.

Several members of Council spoke in support of Central Campus zoning and thanked Duke University and the stakeholders for their work.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive public comments on the zoning map change for the Duke University Central Campus (Z06-40); and

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z06-40 out of RS-10, RU-5, RU-M and placing same in and establishing same as UC(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the

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public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 9:37 p.m. by the following vote:
Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #13375

Subject: Zoning Map Change - 5601 Fayetteville Road (Z06-48) - Deborah H. Long and Ronald Kumin - 5601 Fayetteville Road

To receive public comments on the zoning map change for the 5601 Fayetteville Road (Z06-48);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z06-48 out of RS-20 and placing same in and establishing same as OI(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Staff recommends approval, based on the consistency with the Comprehensive Plan and the information contained within the staff report.

Planning Commission Recommendation and Vote: Approval, 14-0 on November 14, 2006. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the governing body approve the pending plan amendment; the ordinance request will then be in compliance with the revised Comprehensive Plan. The Commission believes this request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

[The site is located at 5601 Fayetteville Road, east side of Fayetteville Road, north of Woodcroft Parkway and south Hemmingwood Drive. PIN 0729-03-11-9114].

City/County Planning Director Frank Duke briefed Council on the staff report. He noted

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there is a development plan and the committed elements associated with this request are found on page 2 of the staff report to include a provision of a buffer greater than would be required along the eastern property line; 2) a cap on the maximum square footage of building floor area to be placed on the site; 3) a provision that there would be no drive-thru windows on any of the facilities on the property; and 4) limitations to the access to make connection one-way in and one-way out to maintain traffic flow on Fayetteville Road. He noted staff and the Planning Commission voted to approve this zoning map change and the request is consistent with the Comprehensive Plan.

Mayor Bell opened the public hearing.

Proponent

Dan Jewell, representing the applicant, spoke in support of this zoning map change and urged Council to approve this request.

No one spoke in opposition to this zoning map change.

Mayor Bell closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comments on the zoning map change for the 5601 Fayetteville Road (Z06-48);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z06-48 out of RS-20 and placing same in and establishing same as OI(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 9:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13376

Subject: Unified Development Ordinance (UDO) Text Amendment - Swimming Pool Fencing (TC06-12)

To receive public comments on the Unified Development Ordinance (UDO) Text Change- Swimming Pool Fencing (TC06-12); and

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating revisions to Article 5 to amend the enclosure requirements for swimming pools on residential lots.

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City/County Planning Director Frank Duke briefed Council on the text amendment.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comments on the Unified Development Ordinance (UDO) Text Change- Swimming Pool Fencing (TC06-12); and

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating revisions to Article 5 to amend the enclosure requirements for swimming pools on residential lots was approved at 9:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13377

Subject: Unified Development Ordinance (UDO) Text Amendment - RS-M Revisions (TC06-16) Open Space Requirements

To receive public comments on the Unified Development Ordinance (UDO) Text Change- RS-M Revisions (TC06-16); and

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating revisions to Article 6 to revise the open space requirements for RS-M developments.

City/County Planning Director Frank Duke briefed Council on the text amendment.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comments on the Unified Development Ordinance (UDO) Text Change- RS-M Revisions (TC06-16); and

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, incorporating revisions to Article 6 to revise the open space requirements for RS-M developments was approved at 9:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13378

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[ITEMS PULLED FROM CONSENT AGENDA]

Subject: Sub-recipient Agreement -Durham County Criminal Justice Resource Center

Victoria Peterson asked questions regarding the purpose of this item that were answered by staff. She asked that these individuals be hired from the STARRS program.

Jo Iverson, of Criminal Justice Resource Center, introduced Robin Heath. Ms. Heath outlined target populations for the 24 individuals and reported STARRS is one of the targeted population for this program.

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute a sub-recipient agreement with Durham County for the Durham County Criminal Justice Resource Center to conduct two (2) cycles of Project Restore, a comprehensive vocational training course that provides wrap around programming to assist offenders in rebuilding their lives while making a positive contribution to the community;

To authorize the City Manager to expend CDBG funds in an amount not to exceed \$69,606.00; and

To authorize the City Manager to modify the agreement and other related documents before execution provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 9:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Agreement for Design Services for Site Playground 2005 Bond Projects

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute an agreement for design services for Site Playground 2005 Bond Projects with Susan Hatchell Landscape Architecture, PLLC in an amount not to exceed \$1,040,500.00;

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the fee to be paid by the City and do not decrease the goods and services to be provided to the City;

To authorize the City Manager to establish a project contingency in the amount of \$104,050.00; and

To authorize the City Manager to negotiate and execute change orders on the agreement provided the cost of all change orders does not exceed \$104,050.00 and the total contract

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amount does not exceed \$1,144,550.00 was approved at 9:50 p.m. by the following vote:
Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:50 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk